

**CITY OF CHICOPEE**  
**CONSERVATION COMMISSION**  
**Minutes of Meeting**  
**October 20, 2021**

Pursuant to Mass. General Law Ch. 131, Section 40 and the Chicopee Wetland Ordinance Ch. 272, the Chicopee Conservation Commission held a public hearing on **Wednesday, October 20, 2021** at 6:15 PM in the Chambers Conference Room, City Hall Annex, 4<sup>th</sup> Floor, 274 Front St., Chicopee, MA 01013

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Celeste Donovan opened the meeting at 6:15 PM and announced that the meeting was being recorded.

The Commission welcomed new member Bianca Thomas.

Staff announced that it had received email notice from Commissioner Sharon Balcom that she had resigned from the Commission for personal reasons.

Conservation Commission attendance:

Member	Present	Absent	Excused
Celeste Donovan	X		
Charles Payne	X		
Meghan Balakier	X		
Richard Valcourt	X		
Brian Nunes	X		
Bianca Thomas	X		

Planning/Conservation Staff attendance:

Member	Present	Absent	Excused
Lee Pouliot, Director	X		
James Dawson, Development Manager	X		
Nathan Moreau, Associate Planner			X

**Item 1: (Continued from April 7, 21, May 5, 19, June 2, 16, July 7, August 4, September 1, 15, and October 6, 2021) NOI** for Chicopee Reservoir Annual Drawdown and Vegetation Management Project. Work will include removal of vegetation within 20' of the reservoir dam and for a five year authorization of the annual drawdown of the reservoir for maintenance purposes. Work will occur within Inland Bank, Bordering Vegetated Wetland, Land Under Waterways and Waterbodies, Riverfront Area and Buffer Zone. Location: Chicopee Memorial State Park – 570 Burnett Rd., Chicopee, MA 01020. Applicant: Sean Gaffney, Massachusetts DCR, 1048 North Rd., Westfield, MA 01085

**Note: The Conservation Commission acted upon the three Requests for Certificates of Compliance (Items 2, 3 and 4 below) prior to acting on the NOI, as the Certificates of Compliance have to be issued to close out the outstanding open Orders of Conditions prior to the Commission issuing any new Orders of Condition.**

**Notes:** Katy Wilkins from Tighe & Bond presented a review of the project to the Commission. The Commissioners had some questions. Ms. Wilkins addressed the Commission's questions. The Commission discussed and agreed on several Special Conditions to be attached to the Order of Conditions. The Special Conditions are as follows:

1. Vegetation cutting to take place only while ground is frozen adequately enough to prevent any soil disturbance.
2. The Property Owner shall submit a written report to the Chicopee Conservation annually at their second meeting in January, beginning in January 2022, explaining any and all work completed within the project area defined in the NOI (MassDEP File # 133-0355; Chicopee Conservation Commission File # NOI 21-001).
3. Drawdown of the reservoir to not exceed 6" (six inches) per day and not to exceed 5' (five feet) in total.

4. Areas where vegetation is cut and removed to be reseeded with appropriate stabilization mix. Seed mix to be approved by the Chicopee Conservation Commission prior to installation.
5. Erosion Control shall be installed and inspected by the Chicopee Conservation Commission or its Staff prior to any vegetation removal or site work.
6. Erosion Control shall remain in place until the site is adequately stabilized per the Chicopee Conservation Commission and the Commission grants permission for it to be removed.
7. No herbicides to be used within the reservoir to control aquatic vegetation.

Motion to issue an Order of Conditions with the above noted Special Conditions was made by Charles Payne and seconded by Richard Valcourt. Vote was 6-0 to issue an Order of Conditions with the above noted Special Conditions.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			
Bianca Thomas	X			

**Item 2: (New) (#1) Request for Certificate of Compliance** for work conducted in accordance with an Order of Conditions issued in August 2004 by the Chicopee Conservation Commission to the MADCR Ponds and Lakes Program for activities associated with the use of aquatic herbicides within the Chicopee Reservoir Impoundment. Location: Chicopee Memorial State Park, Applicant: Massachusetts Department of Conservation & Recreation (Attn: William Salomaa), 251 Causeway Street, Suite 900, Boston, MA 02114

**Notes:** Katy Wilkins from Tighe & Bond explained the Request for Certificate of Compliance to the best of her ability since the Order of Conditions was issued in 2004. Staff noted it completed a site visit with Ms. Wilkins and the Applicant on October 18, 2021.

Motion to issue a Certificate of Compliance was made by Meghan Balakier and seconded by Richard Valcourt. Vote was 6-0 to issue a Certificate of Compliance.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			
Bianca Thomas	X			

**Item 3: (New) (#2) Request for Certificate of Compliance** for work conducted in accordance with an Order of Conditions issued on July 20, 2008 by the Chicopee Conservation Commission for activities associated with the Chicopee Reservoir Drawdown Project. Location: Chicopee Memorial State Park, Applicant: Massachusetts Department of Conservation & Recreation (Attn: William Salomaa), 251 Causeway Street, Suite 900, Boston, MA 02114

**Notes:** Katy Wilkins from Tighe & Bond explained the Request for Certificate of Compliance to the best of her ability since the Order of Conditions was issued in 2004. Staff noted it completed a site visit with Ms. Wilkins and the Applicant on October 18, 2021.

Motion to issue a Certificate of Compliance was made by Richard Valcourt and seconded by Charles Payne. Vote was 6-0 to issue a Certificate of Compliance.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			
Bianca Thomas	X			

**Item 4: (New) (#3) Request for Certificate of Compliance** for work conducted in accordance with an Order of Conditions issued on October 6, 2008 by the Chicopee Conservation Commission for activities associated with the Core Wall Drain Evaluation Project. Location: Chicopee Memorial State Park, Applicant: Massachusetts Department of Conservation & Recreation (Attn: William Salomaa), 251 Causeway Street, Suite 900, Boston, MA 02114

**Notes:** Katy Wilkins from Tighe & Bond explained the Request for Certificate of Compliance to the best of her ability since the Order of Conditions was issued in 2004. Staff noted it completed a site visit with Ms. Wilkins and the Applicant on October 18, 2021.

Motion to issue a Certificate of Compliance was made by Meghan Balakier and seconded by Brian Nunes. Vote was 6-0 to issue a Certificate of Compliance.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			
Bianca Thomas	X			

**Item 5: (Continued from October 6, 2021) NOI** for the construction of a 53,128 SF building that will serve as the corporate headquarters of the Food Bank of Western Mass. Work will occur in Riverfront area and the 100' wetland buffer zone. Location: East Main St. (Assessor Maps 108 and 131, Parcel 1 of each map.) Applicant: Andrew Moorehouse, The Food Bank of Western Massachusetts, Inc.

**Notes:** John Furman of VHB and David Pickart of ERC (Ecological Resource Consultants LLC) presented the latest updates to the plans of the Food Bank to the Commission. Mr. Furman explained that the “footprint” of the project had been reduced from 24% to 15% of the total Riverfront Area. Excluding the infiltration basin the Riverfront Area alteration would be 8.3%. Mr. Pickart explained the forest cutting plan and the estimated number of trees to be cleared based on the U.S Department of Agriculture. He explained that 2.9 acres of work to be performed in forested area (525 trees removed) and .19 acres in Riverfront Area for an estimated 24 trees to be removed. Mr. Furman explained that as part of the Enhancement Plan 45 new trees would be planted thus addressing the removals in the Riverfront Area. Mr. Pickart described Poor Brook as “stressed” as a result of significant stormwater runoff originating in Springfield. He explained the infiltration basin for the Food Bank project was located to ensure infiltrated water “flows” via groundwater to recharge Poor Brook. He explained the infiltration basin would function as a large rain garden vs. many small scattered stormwater facilities on the site. He also noted sub-surface infiltration was possible due to the soils on site but at a significant cost and the possibility that the beneficial recharge to Poor Brook would be lost. He also noted maintenance issues that can occur with subsurface drainage facilities. Mr. Furman responded to the Commission’s comments from October 6, 2021. Commissioner Payne was pleased that the work within the buffer zones of the wetland in the southern portion of the site was adjusted to meet the local ordinance regulations.

Commissioner Donovan opened the meeting to public comments. Ward 5 Councilor Fred Krampits, Ward 6 Councilor Derek Dobosz and Councilor At-Large Robert Zygarowski were in attendance. Councilor Krampits asked the Commission to take into account the concerns of the Abutters. Several Abutters spoke with concerns. Concerns included but were not limited to the following: location of the parking lot, removal of trees, changes to the water table, impacts to resource areas, preservation of wetlands, vernal pools, project causing anxiety and angst, traffic issues, building should be smaller, and wildlife displacement (deer standing in East Main St.).

After the public comment period ended the Applicant requested that a decision by the Commission be continued to November 3, 2021 to allow the Commission time to review the revised plans and new material presented during the meeting. The Commission agreed they needed time to review the new material and voted to continue the hearing to November 3, 2021. Councilor Krampits announced to the Abutters that the hearing was continued to November 3, 2021 and no further notifications by mail would occur.

Motion to continue to November 3, 2021 was made by Charles Payne and seconded by Richard Valcourt. Vote was 6-0 to continue the hearing to November 3, 2021.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan			X	
Charles Payne			X	
Meghan Balakier			X	
Richard Valcourt			X	
Brian Nunes			X	
Bianca Thomas			X	

**Item 6: (New) Issuance of a New Certificate of Compliance** - The original Certificate of Compliance was issued to A.R.M. Development on September 27, 1990. The original Certificate of Compliance had the incorrect Book and Page number inserted.

**Notes:** Staff explained that the original Certificate of Compliance issued in 1990 had the incorrect Hampden County Registry of Deeds Book and Page number inserted. The City Law Department advised the Commission to issue a new Certificate with the correct information and reference the original document. The Commission signed a new Certificate of Compliance.

Motion to approve was made by Meghan Balakier and seconded by Brian Nunes. Vote was 6-0 to approve and issue new Certificate of Compliance.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			
Bianca Thomas	X			

**Item 7: Minutes** from October 6, 2021

**Notes:** Commissioner Valcourt noted one correction to the minutes. Staff noted it would make the correction prior to filing the minutes.

Motion to approve the minutes with the noted correction was made by Charles Payne and seconded by Meghan Balakier. Vote was 4 in favor, 0 opposed and 2 abstentions. (Brian Nunes abstained as he was not in attendance for the October 6, 2021 meeting and Bianca Thomas had not yet been appointed to the Commission)

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes				X
Bianca Thomas				X

**Item 8: Sign Bills** – Staff stated there was one bill to sign.

#### **Item 9: Upcoming Projects/Discussion**

- **RDA for installation of above-ground swimming pool at 401 Irene Street** – Project area is within Buffer Zone and TE Soils Buffer Zone. Submittal date TBD.

**Notes:** Staff explained the Commission may soon be in receipt of an RDA for the above pool project on Irene Street.

- **Relocation of utility structure associated with the Montague-Fairmont Structure Replacement Project** (File NOI 20-003) due to unauthorized buried utilities in the vicinity of the originally proposed structure location approved by the Commission in October 2020.

**Notes:** Staff recommended this change could be considered a field change and the Applicant would not have to refile with the Commission. The Commission agreed with Staff.

- Staff provided an update on the OSRP to the Commission
- Staff explained it had sent, via Certified Mail, the denial letters to the Applicants for the Requests for Certificates of Compliance that the Commission acted upon on October 6, 2021.
- The Commission discussed the possibility of providing a brief explanation to the public at hearings as to the reason certain projects are before the Conservation Commission.
- Staff provided the Commission with a brief update on the “Slate Conservation Area”

**Item 10: Adjournment** – Next scheduled meeting is November 3, 2021

Motion to adjourn was made by Richard Valcourt and seconded by Charles Payne. Vote was 6-0 to adjourn.

<b>Member</b>	<b>Approve</b>	<b>Deny</b>	<b>Continue</b>	<b>Abstain</b>
Celeste Donovan	<b>X</b>			
Charles Payne	<b>X</b>			
Meghan Balakier	<b>X</b>			
Richard Valcourt	<b>X</b>			
Brian Nunes	<b>X</b>			
Bianca Thomas	<b>X</b>			

**Meeting adjourned at 8:35 PM.**